

MONTANA BOARD OF PRIVATE ALTERNATIVE ADOLESCENT RESIDENTIAL  
OR OUTDOOR PROGRAMS  
Full Board Meeting  
Department of Labor & Industry  
301 S. Park Avenue, Helena, MT  
the Office of Jean Branscum, & by Conference Call  
January 13, 2011  
9:00am-11:00am  
MINUTES

AGENDA ITEM # 1

Call to Order: 9:17am.

Members: John Santa, Penny James, Mary Alexine, and Tim Callahan.

Members absent: Darcie Kelly.

Staff: Cyndi Breen, Jean Branscum, Mary Tapper.

Others present: Gordon Newell, Mickey Manning, Tom Harrold.

AGENDA ITEM # 2

Review of agenda & approval.

Motion: Ms. James moved to approve the agenda as written.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #3

24.181.404 Annual election of board chair and vice chairperson

Motion: Ms. James moved to retain Dr. Santa as board chair.

Second: Ms. Alexine.

Discussion: Current board seats will expire April 1, 2011. Board members serve a three year term. The process for reapplication with the Governor's office for a board seat was reviewed. Ms. Alexine announced that she will not reapply for her seat as this is her second 3-year term.

Vote: Unanimous.

Motion carried.

Motion: Dr. Santa moved to appoint Ms. James as vice chair of the board.

Second: Mr. Callahan.

Discussion: None.

Vote: Unanimous.

Motion carried.

AGENDA ITEM #4

Review and approval of minutes, December 16, 2010. Tabled for next meeting.

AGENDA ITEM #5

Rule proposals.

Board Staff: Board staff clarified the layout of the rules based on the subchapters. Specific attention was given to defining the licensure process and fees for new applicants and the renewal process and fees for current licensees. Board members stressed the importance of needing to report average daily census at the time of renewal. Staff will confirm that the request for average daily census along with the formula for calculating census is included on the renewal application form.

-ARM 24.181.402 License fee schedule.  
-ARM 24.181.501 Application for registration.  
-ARM 24.181.502 Implementation.  
-ARM 24.181.2101 Renewals.

Motion: Dr. Santa moved to approve all of the recommended rule changes in the above sections. The rule draft with the changes is attached to these minutes.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.

-ARM 24.181.505 Site visits.

MCA 37.48.103 clearly identifies the need for site visits as a requirement of licensure. In addition, MCA 37.48.115(3)(a)(i) requires a follow up site visit every three(3) years.

Motion: Dr. Santa moved to add language to ARM 24.181.505(1) which states "In accordance with MCA 37.48.103, an initial site visit shall be conducted for the purpose of initial licensure". In ARM 24.181.505(3) language shall be added that explains the need for site visits at least once every three years for the maintenance of licensure.

Second: Ms. James.

Discussion: Board Counsel shall draft specific language for the next full board meeting.

Vote: Unanimous.

Motion carried.

Motion: Dr. Santa moved to accept National Independent Private Schools Association, NIPSA, Council on Accreditation, COA, Commission on Accreditation of Rehabilitation Facilities, CARF, and Joint Commission on Accreditation of Healthcare Organizations (JCAHO) in lieu of the site visit required for the maintenance of licensure.

Second: Ms. James.

Discussion: Board Counsel shall draft specific language for the next full board meeting.

Vote: Unanimous.

Motion carried.

Mary Tapper & John Santa.

**-ARM 24.181.605-607 Required personnel screening and program participant protection.**

Motion: Dr. Santa moved to add the term "felony" as written below:

**24.181.607 PROGRAM PARTICIPANT PROTECTION** (1) A program may not employ any staff member, aide, volunteer, or other person having direct contact with the program participants in the residential or outdoor program that poses a potential threat to the health, safety, or well being of any program participant.  
(2) For purposes of this rule, a person "posing a potential threat" is any person who:

- (a) within the past ten years, has been convicted of a felony crime involving youth under the age of 18 years, or a felony crime of physical or sexual violence against any person, or any felony drug related offense; or
- (b) is charged with a felony crime involving youth under the age of 18 years, or a felony crime of physical or sexual violence against any person, any felony drug related offense, or is awaiting trial on the charges listed above.

Second: Ms. Alexine.

Discussion: Board members expressed concern over offenders with felony offenses who plead down to a misdemeanor offense. Board Counsel shall research how public schools handle the issue.

Vote: Unanimous.

Motion carried.

-Other rules – No action taken.

#### AGENDA ITEM #6

Application updates, board staff – Tabled.

- 1. Clear view Horizons.
- 2. Monarch.
- 3. New Horizons.
- 4. Explorations.

#### AGENDA ITEM #7

John Santa/Mary Tapper.

Fingerprint and criminal background checks, letter to Governor Schweitzer regarding changes to the process.

-Staff explained the current process for reviewing reports that are received which contain indicators.

Reports are received from the Department of Justice by email. If a report is received with indicators one report is printed and that one report is reviewed by staff and legal counsel. A conclusion is reached whether the indicators meet the criteria as a qualifying event. The program is notified by the legal department that indicators exist. To date, two reports with qualifying indicators have been received at the board office.

-Staff reported that as a result of the December audit by the Department of Justice, training shall be provided by DOJ on interpreting information on the rap sheet.

-24.181.607(3) dictates broadly how the individual programs may proceed with an employee.

-A section 24.181.607 (4) must be used to define the procedure and also define the parameters for **"posing a potential threat"**.  
-No action taken. The topic shall be added to a future board meeting.

#### AGENDA ITEM #8

Legislative report, board staff.

-LC 1687: Removal of exemption for faith based schools,  
Staff reported that the language has been drafted for this bill and been returned to the requestor for review. It is projected that the bill will be available in the next two weeks for review.

-SB 31: Code commissioner bill: The new language was not delivered to the code commissioner's office in sufficient time to be included in this session. It will be added to the 2013 session list.

-HB 73: Recover costs and fees for unlicensed practice of a trade or profession.  
Staff reported that this is a Department of Labor bill that was heard in committee on January 1, 2011. Amendments to the bill have been proposed which are unsupported by many boards at the department.

-Other legislation.

#### AGENDA ITEM #9

New board generated complaint procedure, Mary Tapper – Tabled.

Motion: Dr. Santa moved to add all of the tabled items on today's agenda for the next meeting.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.

#### AGENDA ITEM #10

Next meeting.

Motion: Dr. Santa moved to schedule a 2-hour conference call for January 27, 2010 from 9:00am-11:00am.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.

#### ADJOURNMENT

Motion: Dr. Santa moved to adjourn the meeting at 11:40am.

Second: Ms. James.

Discussion: None.

Vote: Unanimous.

Motion carried.